

**LEHON IS
FINED**

**\$100 AND
COSTS**

**AND BOUND
OVER**

Burns Detective Will
Take

Case to Higher
Courts to
Test the
Constitutionality
of the City
Ordinance.

***CONTEMPT CASES
ARE***

***DISMISSED
BY HILL***

Motion to Upset the Frank

Verdict Will, in All Proba-

bility, Be Again Postponed

When Case Comes Up.

Dan S. Lehon, southern manager of the Burns International Detective Agency, was fined \$100 or thirty days in the City stockade by Judge Nash Broyles, Tuesday afternoon, for violating sections 2025, 2026, and 2027 of the City code, prohibiting the operating of private detectives in the City without first securing the consent of the board of Police commissioners and the approval of the Chief of Police.

In addition to the nominal fine, which was imposed after a speech on the part of counsel for the Defendant, Judge Arthur G. Powell, requesting the Court to impose a small fine, rather than

dismiss the Case, so that the Constitutionality of the City Ordinances could be thrashed out in the Higher Courts. Judge Broyles bound over Lehon under Bond of \$500 for violation of a State Law, an act of the general assembly of 1892, prohibiting persons from operating as private detectives without first securing the permission of the Constituted Authorities.

Pleads Not Guilty.

At the opening of the trial, Counsel for the Defense entered a four-page typewritten special plea of not guilty, in which the Constitutionality of the City Ordinances above named was attacked, on the grounds that the City Charter did not give power to place such restrictions upon private detectives, and upon the further grounds of being unreasonable.

The special plea set forth that the Ordinances were unreasonable in demanding that private Detectives should co-operate with the City Police because, in the particular Case of Lehon, the detective had been engaged by the defense to investigate the alleged illegal actions of the City Police and Detectives in securing evidence against Leo M. Frank, condemned for the murder of Mary Phagan. Further, that it was unreasonable on the grounds that it took away the protection of private property, setting forth that the profession of private detective is valuable as a private property, and deserves all the inalienable rights of all other private property. Under this particular ground, the Constitutionality of the City Ordinances were attacked.

City Attorney James L. Mason, who handled the prosecution of the Case against Lehon, demurred against the special plea, and Judge Broyles sustained his demurrer, and the special plea was stricken.

At the close of the trial, Judge Powell signified the intention of the Burns Agency to take the Case to the Supreme Court to decide the Constitutionality of the City Ordinances. Certiorari proceedings were entered against the City fine of \$100.

At the close of the trial, a Court sensation was created when Police Chief Beavers refused to allow Dan Lehon to give Certiorari Bond until he had paid his City fine. Lehon appealed to the Court for protection, claiming that Chief Beavers was just trying to get him in jail.

Judge Broyles instructed the Chief to allow Lehon to give his Certiorari Bond of \$200 to cover the fine of \$100, and also Bond of \$500 for the State Case.

Had Charge of Office.

The defense tried to establish the fact that Dan Lehon had been engaged in no actual detective work on the Frank Case. C. E. Sears, manager of the local detective Agency for William J. Burns, was introduced as a witness for Lehon, and testified that Lehon was serving the Agency in the capacity of an office man, and had charge of the operators working upon the Case.

When questioned in regard to his duties as a detective by City Attorney Mason, Lehon replied that he was not a detective, and had not done detective work on the Frank Case in Atlanta. He claimed that the nature of his work had been more of office duties, and controlling of the operators.

Carter Woman Testifies.

Annie Maud Carter, the Negress, who served six months' sentence in the Tower, and is said to have given an affidavit in which she declares that Conley confessed to her that he slew Mary Phagan, was introduced as a witness by the city.

Several charges of a sensational nature were made by her against the actions of Jake Jacobs, manager of a pawn broker's shop, and Dan Lehon, in which she claimed that Lehon had upon several occasions given her small moneys, and that she had been induced to swear against Jim Conley.

The Cases against the other five detectives, C. E. Sears and the four men said to have worked under him without first securing

the permission of the Police board and Chief Police, were continued until this afternoon at 2:30 o'clock.

Contempt Cases Dismissed.

Proceedings against Dan S. Lehon and Detective William J. Burns in the contempt of Court action instituted against them, were dismissed by Judge Ben Hill Tuesday morning, when he decided that the returning of Annie Maud Carter, the witness to the jurisdiction of the Court, was in compliance, with his Order.

Burns was represented by Judge Arthur Powell. Burns was not in the city, however. Judge Powell appeared in Court with Lehon, prepared to fight the Case. An answer was filed by counsel to the citation demanding that the two detectives show cause, why they should not be adjudged in contempt.

The John L. Tye motion to upset the Frank verdict will, in all probability, again be postponed when it comes up

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before Judge Hill next Friday morning at 10 o'clock. It was announced from the Solicitor's office yesterday that Mr. Dorsey and his Staff had not found sufficient time to prepare the counter charge, and, on this ground, will request additional delay.

The Burns Agency will be closed following the revocation of its Operating License by Council, which action was taken Monday afternoon, and will remain closed until the litigation is ended in the Courts. A strong fight will be made by the Burns Organization to retain its local office, and, according to the Announcement of a Burns Official yesterday, will be waged in all of the States' Courts, if necessary.

In the meanwhile, however, local Operations will be suspended in compliance with the order from the Council. Atlanta business will be transacted through the New Orleans Headquarters, of which Lehon is Superintendent.
